

GOVERNMENT OF TELANGANA
ABSTRACT

Public Services – COL – Gazetted Establishment - Sri Donthireddy Shyam Sunder Reddy, Assistant Commissioner of Labour- II, Hyderabad now working at Medchal - Malkajgiri – Trapped red-handed by Anti Corruption Bureau on 12.05.2015 - Departmental proceedings under Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 - Articles of Charges - Issued.

LABOUR EMPLOYMENT TRAINING & FACTORIES (Emp-Vig) DEPARTMENT

G.O.Rt.No.194

Date:30.04.2018
Read the following

1. From the Director General, Anti Corruption Bureau, Telangana, Hyderabad letter Rc. No.72/RCT-CR.1/2015-S1, Dt.25.05.2015
2. From the Director General, Anti Corruption Bureau, Telangana, Hyderabad letter Rc. No.72/RCT-CR.1/2015-S1, Dt.21.04.2016.
3. Govt. Memo No.1663/Emp-Vig/A3/2015, Dt.22.07.2016.
4. From the Director General, Anti Corruption Bureau, Telangana, Hyderabad letter Rc. No.72/RCT-CR.1/2015-S1, Dt.13.04.2018.

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ORDER:

It is proposed to hold an inquiry against Sri Donthireddy Shyam Sunder Reddy, Assistant Commissioner of Labour- II, Hyderabad now working at Medchal – Malkajgiri who has been trapped red-handed by Anti Corruption Bureau on 12.05.2015 in accordance with the procedure laid down in rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 adopted by Telangana State.

2. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charges (Annexure-I). A list of documents by which, and a list of witnesses by whom, the articles of charges are proposed to be sustained are also enclosed (Annexure – II & IV).

3. Sri Donthireddy Shyam Sunder Reddy, Assistant Commissioner of Labour- II, Hyderabad now working at Medchal – Malkajgiri is directed to submit written statement of his defence and to state whether he desires to be heard in person within (10) working days from the date of receipt of this Order. He is directed to appear before the under signed at 3.30 PM on 11.05.2018 for this purpose.

4. Sri Donthireddy Shyam Sunder Reddy, Assistant Commissioner of Labour- II, Hyderabad now working at Medchal - Malkajgiri is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri Donthireddy Shyam Sunder Reddy, Assistant Commissioner of Labour- II, Hyderabad now working at Medchal - Malkajgiri is further informed that if he/she does not submit his written statement of defence on or before the date specified in para 3 above, further action will be processed based on the material available.

6. Attention of Sri Donthireddy Shyam Sunder Reddy, Assistant Commissioner of Labour- II, Hyderabad now working at Medchal - Malkajgiri is invited to Rule 24 of the A.P. Civil Services (Conduct) Rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the

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Government. If any representation is received on his behalf from another person in respect of any matter dealt with these proceedings it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of rule 24 of the A.P. Civil Service (Conduct) Rules, 1964.

7. The receipt of the orders may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr. SHASHANK GOEL
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri Donthireddy Shyam Sunder Reddy,
Assistant Commissioner of Labour- II, Hyderabad now working at Medchal -
Malkajgiri, through the Commissioner of Labour, Telangana State, Hyderabad.
Encls: Annexures I to IV.

Copy to:-

The Commissioner of Labour, Telangana State, Hyderabad.
With a direction to serve the AoC on the individual under proper
acknowledgement. He is also requested to send the acknowledgement to the Govt.
SF/SC

// FORWARDED :: BY ORDER //

SECTION OFFICER

ANNEXURE – I**STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST
SRI DONTTHIREDDY SHYAM SUNDER REDDY S/O D.RAM REDDY OCC: ASST.
COMMISSIONER OF LABOUR-II AT CHIKKEDPALLY, HYDERABAD.**

That Sri Donthireddy Shyam Sunder Reddy, S/o D. Ram Reddy joined Government Service on 28-04-1995 and while working as Asst. Commissioner of Labour-II, Hyderabad during the period from 08-06-2011 to 12-05-2015, has committed the following grave misconduct in as much as that:

Sri Donthireddy Shyam Sunder Reddy had by abusing his official position and by corrupt and illegal means demanded and accepted Rs.3000/- as bribe from Sri Nagendar Kankipati, R/o H.No.1-9-699 & 700, Flat No.103, Eden Enclave, Opposite to Nallakunta Police Station, Adikmet, Vidyanagar, Hyderabad on 12-5-2015 for doing an official favour i.e., for renewal of registration certificate of the complainant's clinic styled as "Global Care Hearing Aid and Speech Therapy Clinic", at Shop No.61, Huda Complex, Tarnaka, Hyderabad since 2014.

Thus, Sri D. Shyam Sunder Reddy, by his above mentioned acts has exhibited lack of integrity, devotion to duty, conduct unbecoming of a Government Servant and there by contravened the Rules 3(1) & (2) of the A.P. Civil Services (Conduct) Rules, 1964 adopted by Telangana State.

**Dr. SHASHANK GOEL
PRINCIPAL SECRETARY TO GOVERNMENT**

ANNEXURE -II**STATEMENT OF IMPUTATION OF MISCONDUCT IN SUPPORT OF ARTICLES OF CHARGES FRAMED AGAINST SRI DONTHIREDDY SHYAM SUNDER REDDY, S/O D. RAM REDDY OCC: ASST. COMMISSIONER OF LABOUR-II at CHIKKEDPALLY, HYDERABAD.**

That Sri D. Shyam Sunder Reddy, S/o D. Ram Reddy is a native of Nalgonda District. His date of birth is 02-04-1966. He joined service as a Junior Assistant on 28-04-1995 and worked as Asst. Commissioner of Labour-II at Chikkedpally, Hyderabad from 08-06-2011 to 12-05-2015. His date of attaining the age of superannuation is 3004-2024. (He is hereinafter referred to as Government Servant).

Allegation:-

The Government Servant had by abusing his official position and by corrupt and illegal means demanded and accepted Rs.3,000/- as bribe from Sri Nagendar Kankipati, R/o H.No.1-9-699 & 700, Flat No.103, Eden Enclave, Opposite to Nallakunta Police Station, Adikmet, Vidyanagar, Hyderabad on 12-5-2015 for doing an official favour i.e., for renewal of registration certificate of the complainant's clinic styled as "Global Care Hearing Aid and Speech Therapy Clinic", at Shop No.61, Huda Complex, Tarnaka, Hyderabad since 2014.

Brief Facts of the Case:-

That Sri Nagendar Kankipati, S/o Rama Rao, 27 years is a resident of H.No.1-9-699 & 700, Flat No.103, Eden Enclave, Opposite to Nallakunta Police Station, Adikmet, Vidyanagar, Hyderabad-44. Sri Nagendar Kankipati, is a Audiologist and Speech Language Pathologist running a clinic in the name of M/S Global Care Hearing Aid and Speech Therapy Clinic, at Shop No.61, Huda Complex, Tarnaka, Hyderabad since 2014, vide Reg. No.ALO018HYDSE7287/10823. Accordingly, Sri Nagendar Kankipati, applied for the renewal of above said certificate on 18.02.2015 through "mee-seva" at Ramnagar Branch and obtained acknowledgement numbers from the concerned vide No.1560216180215. In the acknowledgement, it was mentioned that he would get renewed registration certificate within seven (7) working days. After seven working days, he approached the "mee-seva" and enquired about the status of his registration certificate and came to know that his certificate was still under process and the "meeseva" personal had advised him to approach the

concerned labour official, he approached the Labour office situated at Chikkadpally, Hyderabad in the month of March and met Smt. P.Mayuri, in-charge of Circle-18 and enquired about the status of his registration certificate renewal. She asked him to send the "mee-seva" acknowledgement number through SMS to her mobile number. Accordingly, he sent the SMS on 12.03.2015 and requested her to complete his work. But she had not informed anything to him. Again on 18.03.2015, he sent another SMS to Smt. P.Mayuri by asking about the status of his renewal of registration certificate and further due to busy work he did not follow up. On 08.05.2015, he again called Smt. P.Mayuri and enquired about the status of his registration certificate, on which she replied that there were no pending files with her and requested him to enquire at Labour office at Chikkadpally. On that he met Government Servant, Sri D.Shyam Sunder Reddy, Asst. Commissioner of Labour-II and verified about his pending registration certificate and requested him to complete his work, on that the said officer verified about him and his clinic and demanded an amount of Rs.5,000/- for renewal of registration certificate. On which Sri K.Nagender expressed his inability to give the said amount and left the office. Again on the same day i.e., on 08.05.2015 in the evening hours, Government Servant contacted him over his cell phone and demanded the bribe amount of Rs.5,000/- and asked him to come to his office on 11.05.2015. Accordingly, Sri K.Nagender went to his office at about 5.00 P.M and requested him for renewal of registration certificate on which Government Servant again demanded an amount of Rs.5,000/- for renewal of registration certificate.

As there was no other option, he requested him to reduce the bribe amount. On which Government Servant agreed and reduced the bribe amount to Rs.3,000/- and instructed him to pay the demanded bribe amount of Rs.3,000/- to him or to the person to whom he directs on 12.05.2015 at his office.

That Sri Nagendar Kankipati was not willing to pay any bribe to Sri D. Shyam Sunder Reddy, Assistant Labour-II, he lodged the complaint with the Deputy Supdt. of Police, Anti-Corruption Bureau, City Range-I, Hyderabad, who registered the complaint as a case in Cr.No.8/RTC-ACB-CR/2015 Under Section 7 of Prevention of Corruption Act-1988 on 12-5-2015 at 12:30 hours after due verification and investigated into.

That, Government Servant was trapped when he demanded and accepted the bribe amount of Rs.3,000/- (rupees three thousand only) from Sri Nagendar Kankipati, as illegal gratification other than legal remuneration for showing an official favour for renewal of Clinic Registration Certificate. The phenolphthalein test

conducted on both the hand fingers & wearing left side shirt pocket of Government Servant are yielded positive results and the tainted amount of Rs.3000/- was seized.

Analysis of Evidence :-

The material evidence on the record shows that the AO is a Public Servant, demanded the bribe amount of Rs.3000/- from the complainant on 08-05-2015 and 11-05-2015 and subsequently accepted the same on 12-05-2015 in his office room for doing official favour i.e., to approve the complainant's renewal of Labour registration certificate of his clinic for the year 2015.

Demand of bribe by the AO is proved by the following evidence:-

- Complainant's English written complaint.
- 164 Cr.P.C statement of the complainant deposed before the Hon'ble Magistrate, where he has in detail spoken about the demand, acceptance of bribe by the AO for doing official favour i.e., to approve the complainant's renewal of Labour registration certificate of his clinic for the year 2015.
- Version of the complainant recorded by the mediators during Post-trap proceedings dated 12-05-2015 in the presence of AO.
- Letter of Cell one, It reveals about the outgoing call made by AO to the complainant on 08-05-2015 evening and demand of bribe.
- The oral statements of (Circumstantial witness) of Sri P.Mayuri, ALO, Circle 18, Hyderabad, Sri Irfan Khan, Jr. Asst., in the O/o ACL-II and Sri K.Ajay Kumar, S/o K.Laxman, aged 21 years, Occ. Jr. Asst O/o Asst. Commissioner of Labour-I (Nodal Officer).

Acceptance of bribe amount by the AO:-

- The chemical test conducted on the both hand fingers of the AO proved positive
- 164 Cr.P.C statement of the complainant in which explains about the happenings after leaving the trap party i.e., demand and acceptance.
- Mediator's Report-II in which complainant reveals about acceptance of bribe by AO in the presence of mediators.

Possession of bribe amount by the AO

- Tainted bribe amount Rs. 3000/- was recovered from the left side shirt pocket of AO.
- Mediator's Report-II in which in the presence of tainted bribe amount was recovered from the left side shirt pocket of AO.
- The chemical test conducted on wearing shirt inner flap of left side shirt pocket of AO yielded positive result.

Pendency of Official favour is proved by the following documentary and oral evidence :-

- Complainant's English written complaint.
- Official favour file seized from the AO consists two sheets in which one is Photostat copies of Registration Certificate vide No. AL0018HYDSE7287/10823 pertaining to complainant, issued on 12-08-2014 and Photostat copy of acknowledgement application for renewal of Registration Certificate vide No. 1560216180215; dated:18-02-2015 issued by mee-seva reveals that since 18-02-2015 official favour is pending.
- Letter of Dy. Commissioner of Labour-I, Hyderabad reveals that the renewal of Registration Certificate pertaining to the complainant was approved by AO on 12-05-2015 at 12:51 pm.

Hence, the Government Servant has demanded and accepted bribe of Rs.3,000/- from the complainant for renewal of registration certificate of the complainant running clinic styled as Global Care Hearing Aid and Speech Therapy Clinic".

Thus, the Government Servant by his above acts has exhibited lack of integrity, devotion to duty, conduct unbecoming of a Government Servant and thereby contravened and violated the Rules 3 (1) & (2) of A.P. Civil Services (Conduct) Rules, 1964 adopted by Telangana State.

Thus, the Government Servant has therefore rendered himself liable for regular departmental action for major penalty.

Dr. SHASHANK GOEL
PRINCIPAL SECRETARY TO GOVERNMENT

ANNEXURE-IIILIST OF WITNESSES:

1. Sri Nagendar Kankipati, S/o Rama Rao aged 27 yrs, Occ: Audiologist & Speech Language Pathologist, Rio H.No.1-9-699 & 700, Flat No.103, Eden Enclave, Opposite to Nallakunta Police Station, Adikmet, Vidyanagar, Hyderabad-44.
2. Sri Srinivas, S/o Late Devappa, age 52 yrs, Occ: Dy.Commissioner of Labour-I, Hyderabad O/o Commissioner of Labour, r/o H.No.9-4-86/81, Flat No.304, Krishna Residency, Kakatiya Nagar Colony, Mehdiapatnam, Hyderabad.
3. Smt. Parlapally Mayuri, W/o D.Hariprasad, aged 33 yrs, Occ: Asst. Labour officer, circle 18, Hyderabad in the O/o the Commissioner of Labour, Hyderabad, R/O H.No.12 B, Street No.1, Kakathiya Nagar, Habsiguda, Hyderabad. 4) Sri Thoodi Veeresham, S/o Late T.Anjaiah, age.49 yrs, Occ. Supdt., of B-3.
4. Sri Yendrala Balaiah Vijay Kumar S/o Late Balaiah age 54 yrs, occ: Sr.Asst., in the O/o the Asst. Commissioner of Labour-II, Hyderabad R/o TRT-216 Jawahar Nagar, RTC Cross roads, Hyderabad.
5. Smt. P.Madhavi, W/o G. Rana Pratap aged 45 yrs, Occ: Advocate R/o H.No.11-13-1035/1, Road No.12, Sai Nilayam, Vasavi Colony, Kothapet, Hyderabad
6. Sri P. Raghupathi S/o Poshetty aged 39 yrs Occ: Advocate R/O H.No.17.1. 391/T/157, Saraswathi Nagar, Saidabad, Hyderabad.
7. Sri Ambilal Mondal, S/o Tejo Mondal, aged 45 yrs, Occ: Driver, R/o Flat No.403, Sri Apartments, Near Reliance Fresh, Ramanthapur, Hyderabad, N/o Maasipidi (V), Hazari Bagh (Dist.), Jharkand State
8. Sri Gollkonda Prabhakar, S/o G. Yadaiah, aged 37 yrs, Occ: Asst. Labour officer Circle-17, Hyderabad R/o H. No. 6-2-909/18 Thummalabasthi, Khairatabad, Hyderabad.
9. Kumari Lavanya Latha, D/o Laxmaiah aged 34 yrs, Occ: Asst. Labour Officer Circle-23, Hyderabad R/o 1-1-18/74/B Jawahar Nagar RTC Cross road, Hyderabad.
- 10) Sri Irfan Khan, S/o Late Shaber Khan, age 24 yrs, Occ: Jr. Asst., in the O/o ACL-II, Hyderabad, r/o H.No.9-5-114/11, Ramdevguda, I.B. Lane, near Golkonda.
- 11) Sri Kola Prasad S/o Kola Nagaiah, aged 40 yrs, Occ: Asst. labour Officer Circle-15, Hyderabad R/o H.No.38-29/119/2 Shiva Nagar Colony, Sainikpuri, Secunderabad.

- 12) Sri Khaisar Sajid, S/o A.A. Noor, age 56 years, Occ. Asst. Commissioner-I (Nodal Officer) O/o Commissioner of Labour Dept., R/o H.No.16-2-705, Akbarbagh, New Malakpet, Hyderabad.
- 13) Sri K. Ajay Kumar, S/o K. Laxman, age 21 years, Occ. Jr. Asst O/o Asst. Commissioner-I (Nodal Officer), Commissioner of Labour Dept., Chikkadpally, Hyderabad R/o H.No.2-4-668/J/16, Nallagunta, Ramgopalopet, MG Road, Secunderabad.
- 14) Sri Bhonagiri Shanker, S/o L.B.Nagaiah, aged 31 yrs, Occ: Deputy Tahasildar, A-3 section O/o the Collector, Ranga Reddy District R/o H.No.2-2-185/24/111/131B, Mallikarjuna Nagar, Amberpet, Hyderabad (Mediators for MR-I & II).
- 15) Sri Jagannatham Shanmugam, S/o C.Jagannatham, age 35 yrs, Occ: Junior Assistant, A-4 section O/o the Collector, Ranga Reddy district R/o H.No.8-38/2, Raju Colony, Balanagar, Hyderabad-42 (Mediators to MR-I & MR-II)
- 16) Sri J. Ashok Kumar, D.S.P., ACB., City Range-1 , Hyderabad.
- 17) Sri P. Srinivas Rao, Inspector, ACB, City Range-1, Hyderabad. (1st IO)
- 18) M. Venkateswar Rao, Inspector, ACB, City Range-I, Hyderabad. (2nd IO and Submitted DFR)

Dr. SHASHANK GOEL
PRINCIPAL SECRETARY TO GOVERNMENT

ANNEXURE –IVLIST OF DOCUMENTS:

- 1) Complainant's English written complaint.
- 2) Copy of FIR in Cr. No. 8/ACB-CR/2015
- 3) Mediator Report-I
- 4) Mediator Report-II
- 5) Attendance Register
- 6) Official favour file: - pertaining to the renewal of registration certificate of labour, consisting two sheets in which one is Photostat copies of Registration Certificate . vide No.AL0018HYDSE7287/10823 pertaining to complainant, issued on 12-08-2014 and Photostat copy of acknowledgement application for renewal of Registration Certificate vide No. 1560216180215, dated: 18-02-2015 issued by mee-seva.
- 7) Lr.No. A/842/2015, Dated: 08-06-2015 from Dy. Commissioner of Labour-I, Hyderabad :- It reveals the facts about Complainant application received and forwarded to AO and approval dates and procedure to be followed for renewal of Registration Certificate and enclosed with attested copy of on line record and copy of Renewal of Registration Certificate approved by AO on 12-05-2015. Acknowledgement copy and the application form of the complainant: .
- 8) Lr. No. TA/Cellone/DE(Tech-Vig /Corrs/ACB/2015 Dt 06-06-2015 :- It reveals about the outgoing call made by AO to the complainant on 08-05-2015 evening. 9) Entrepreneur Memorandum Acknowledgement in the name of M/S Mobile Flicker Received by the complainant from the AO at the time of trap.

Dr. SHASHANK GOEL
PRINCIPAL SECRETARY TO GOVERNMENT